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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,877	02/18/2004	Soorya Dayal	24086.00	9494

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EXAMINER

AMERSON, LORI BAKER

ART UNIT PAPER NUMBER

3764

DATE MAILED: 02/24/2005


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,877

Applicant(s)

DAYAL, SOORYA 

Examiner

L. Amerson

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1, 3-6, 8-11, as broadly claimed, are rejected under 35

U.S.C. 103(a) as being unpatentable over Gordon in view of Hippensteel.

Gordon discloses a base (18,22) having a front and rear end, a thigh support panel (68) disposed on the base inclined downwardly, a torso support (52) pivotally connected to the base, an adjustable support member (58) disposed between the base and torso and a footrest assembly (140). Gordon discloses all of the limitations of the claimed invention except for an adjustable footrest. Hippensteel discloses an adjustable foot rest (90). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gordon in view of the teaching of Hippensteel such that varying the position of the footrest to adjust to a variety of sized users provides flexibility to the user while exercising. As to claim 3, Hippensteel teaches a neck rest (100). As to claim 4, Hippensteel teaches a belt restraint (132) having a tensioning system ([0033] page 4, column 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gordon in view of the teaching of Hippensteel such that a support for the neck and restraint

for the users torso would provide additional comfort and safety to a user while exercising. As to claim 6, the footrests comprises an elongated arm (94) having pads (106). As to claim 8, the pads have a slideable claim on the support arm (figs. 2 and 4). As to claim 9, the recitation has not been given patentable weight because the limitations are purely functional in nature and do not recite any structure. As to claim 10, the torso comprises a panel (62). As to claim 11, the torso comprises a frame that is pivotally connected to the base (52;fig. 1).

b. Claim 2, as broadly claimed, is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon and Hippensteel as applied to claim 1 above and further in view of Mahvi. Gordon and Hippensteel disclose all of the limitations of the claimed invention except for an adjustable armrest. Mahvi teaches adjustable armrests (18,20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an adjustable support for the arms in order that the device can accommodate a variety of different sized users while exercising.

c. Claim 12, as broadly claimed, is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon and Hippensteel as applied to claim 1 above and further in view of Johnston. Gordon and Hippensteel disclose all of the limitations of the claimed invention except for the torso panel pivotal in a side-to-side motion. Johnston teaches a panel that is pivotal sideward. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide a pivotal panel in a sideways direction in order to increase the flexibility and resistance to the user while exercising.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. And Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


L. Amerson